IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL WRIT No. 2034 of 2007

PRABHJOT SINGH & ORS.
V/S
STATE & ORS.

Mr. RS CHAUDHRY, for the appellant / petitioner

Date of Order : 16.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

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Perused the impugned orders. The initial order of the Executive Engineer passed on 29.10.92 was challenged by the petitioner. On filing appeal on the ground that he was not given any opportunity of hearing, thereupon that order was set aside vide Annexure 5 and the matter was remanded to hear the petitioner and hold a complete enquiry and decide the matter afresh. Thereafter, the Executive Engineer vide Annexure 6 held complete enquiry and collected evidence of the parties and found the petitioner to be guilty of illegal extraction of water by creating a outlet and thus the earlier order dated 7.1.02 was restored. In appeal the Superintending Engineer has found that from the material on record, it is clear that the concerned cultivators were duly bound down to stop the outlet by specific notice, but then they did not stop it, and extracted water illegally, and therefore, the appeal has been dismissed.

In my view, the findings are pure findings of fact and do not require any interference of this Court under writ jurisdiction. The writ petition, therefore, is dismissed summarily.

( N P GUPTA ),J.

/anil/